



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

SW

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,929	10/21/2003	Hiromichi Koshiishi	2003-1499A	3180

513 7590 12/08/2004

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

PHAN, THIEM D

ART UNIT	PAPER NUMBER
----------	--------------

3729

DATE MAILED: 12/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,929

Applicant(s)

KOSHIISHI ET AL.

Examiner

Tim Phan

Art Unit

3729

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/11/04 & 12/21/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicants' election of Group II, Claims 2 and 3, filed on 29th October 2004 is acknowledged.

The Restriction mailed on 26th October 2004 has been carefully reviewed and is held to be proper. Applicants did not distinctly and specifically point out any logical error in the Restriction Requirement. Moreover, due to the lack of traversal on the merits, Applicants' election of Group II, claims 2 and 3, has been treated as an election without traverse.

Accordingly, Claim 1 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim.

The Restriction filed on 26th October 2004 is hereby **made Final**.

Applicants are required to cancel the nonelected claim (1) or take other appropriate action.

An Office Action on the merits of Claims 2 and 3 now follows.

Specification

2. The disclosure is objected to because of the following informalities:

- On page 1, before “BACKGROUND OF THE INVENTION”, insert:

“CROSS REFERENCE TO RELATED DOCUMENTS:

This application claims the benefit of Japanese Patent Applications No. 2003-005840 filed on 01/14/03 and 2003-106674 filed on 4/10/03 and 2003-309297 filed on 09/01/03.”

- The following title is suggested: “Method of Manufacturing a Stator Core”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claim 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Tsutomu et al (JP 11-340030) hereinafter ‘030.

The ‘030 teaches a process of making an iron core used for a motor, comprising:

- a stator or iron core fabrication step of fabricating a stator or iron core out of non-oriented electrical steel sheets (Cf. Abstract, last line); and
- a stator or iron core annealing step of heating (Cf. Abstract, line 15) said fabricated stator or iron core to an annealing temperature of 750 degree Celsius or above a Curie temperature point thereof, and then cooling said stator core while still applying a magnetic field thereto (Cf. Abstract, lines 16 & 17) at least in a temperature range from a temperature immediately above the Curie point or 750 degree Celsius to 100 degree Celsius in a cooling process (Cf. Paragraph 18, line 5) after the maximum heating, said magnetic field having the same direction as that of excitation of a stator in the motor when used to drive the motor (Cf. Abstract, lines 3 & 4).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the '030 in view of Herzer (US 6,011,475) hereinafter '475 or vice versa.

Art Unit: 3729

The '030 teaches a process of making an iron core used for a motor which reads on Applicants' claimed invention.

The '304 teaches a method of annealing amorphous alloy (Cf. Col. 1, lines 7 ff.) in a magnetic field for transformer, ring-laminated, toroidal core or the like (Cf. Col. 2, line 18; col. 5, lines 34 ff.) with a grain size or domain width of 100 micrometers or greater at the time of application of the magnetic field or the annealing field strength (Cf. Fig. 11b, beginning of region I, full-line curve; col. 22, lines 59 ff.) in order to reduce the magnetostatic stray field energy (Cf. Col. 22, line 67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two teachings by applying the annealing field strength, as taught by the '304, in order to reduce the magnetostatic stray field energy.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 571-272-4568. The examiner can normally be reached on M - F, 9AM - 5PM.

Art Unit: 3729

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TP

Tim Phan
Examiner
Art Unit 3729

tp
December 3, 2004

CJA
CARL J. ARBES
PRIMARY EXAMINER